Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of	)	
	)	
Review of the Emergency Alert System	)	EB Docket No. 04-296

To: The Commission

COMMENTS OF THE NORTH CAROLINA STATE EMERGENCY COMMUNICATIONS COMMITTEE

The North Carolina State Emergency Communications Committee ("NC SECC") hereby submits these comments in response to the *Notice of Proposed Rule Making* ("*Notice*"), FCC 04-189, released August 12, 2004, in the above-captioned proceeding. The NC SECC is the entity responsible for administering EAS in North Carolina.

NC SECC has distilled the *Notice* into the following issues for comment.

1. Is the current EAS system working?

The North Carolina EAS generally works well. North Carolina had a history of problems with Required Monthly Tests ("RMTs") and Local Area Emergency ("LAE") alerts making it through the state via our old low-band communications system, which was replaced this year by the Comlabs EMnet satellite distribution system. Since installing EMnet in August 2004, through October 2004, the North Carolina Emergency Operations Center ("NCEOC") has generated four successful AMBER Alerts to local areas and two successful statewide RMTs. Currently, EMnet is our primary distribution system for non-weather related events. The NWS is our primary weather–related distribution system and the non-weather event back-up.

Selected other sites/organizations are being considered for EMnet system installations as funding becomes available. A long term goal of NCEOC and NC SECC is to equip all radio & TV stations and CATV stations in North Carolina with EMnet receive equipment. Consequently, it is important that any EAS propagation system the Commission adapts is compatible with the fully-functioning system that we have just installed. Additionally, the NC SECC is taking steps to strengthen the current daisy-chain system.

Areas for review are coordinated alerts with/from adjacent states and how national alerts would enter the North Carolina system. As states install Comlabs systems, or similar products, coordination between states will become easier for border-area alerts. The Department of

Homeland Security has announced plans to use the NWS as a communications path for terror alerts, so the current PEP system may be unnecessary. However, we are confident that if a national alert reaches the NCEOC, we will be able to successfully relay it via our EMnet.

2. Do you have ideas for improvement of EAS in terms of its overall effectiveness?

North Carolina law enforcement agencies are receiving training on activations using the Child Abduction Emergency ("CAE") code, however, these same local law enforcement and Emergency Management officials need help in their roles of local originators requesting alerts via the nearby LPs or NWS. Historically, the local officials called the NCEOC to send an alert for their local area. A set of criteria should be developed, analogous to the North Carolina Center for Missing Persons ("NCCMP") criteria for Amber alerts, to help locals determine the need to alert and encourage local activations. Previously, they have called NCEOC which has served as a filter. North Carolina has scheduled RMTs for LP-1 & LP-2 local area activations in 2005.

3. Should participation in state EAS plans remain voluntary? Should incentives for participation be provided?

We highly encourage participation in the EAS plan by all stations, in the public interest. Broadcasters are licensed to serve the public interest and informing the public is part of our duty. The Commission already mandates equipment, so the investment is made.

No incentives for participation. Again, this is for the public good.

4. Should there be periodic mandatory EAS training of broadcast station personnel and, if so, who should provide the training and who should incur the costs of such training?

The LP1s & LP2s should have regular reviews of procedures/training. The North Carolina State Plan encourages LPs to work with local officials and, therefore, be capable of originating alerts.

The NC SECC has developed a schedule for 2005 in which every LP1 & LP2 will originate at least one RMT for their local area in an effort to promote training and to check programming of their encoders.

5. Should broadcasters be required to monitor the National Weather Service?

Absolutely. With respect to weather events, which are the majority of alerts in North Carolina, this will minimize the time from alert to public notification of an event. The "North Carolina State EAS Plan" requires that every broadcast station, above the level of LPFM, or cable station must monitor their local area LP-1 and LP-2, and NWS radio to be considered a full

participant in the North Carolina EAS plan. DHS has recently announced their plans to use the NWS as a method of delivering terror alerts, so this may become the method by which national information is distributed.

6. *Should broadcasters be required to make their facilities available to local emergency managers?*

The "North Carolina State EAS Plan" already encourages local officials to contact their local area LP1 & LP2 stations. In case of the disabling or complete loss of the local area LPs, the local officials would go to the NCEOC to enter the remaining local broadcast community via the NWS, and the surrounding local areas via our Comlabs EMnet network.

7. *Should the degree of participation in the EAS depend on the size of the participating entity, i.e., should smaller broadcasters have fewer EAS obligations? Should funding be provided to assist smaller entities in EAS participation?*

A short list of nine mandatory alerts common to all North Carolina counties is required to be programmed into encoder/decoder ("en/dec") units for all participating stations to pass through to their local areas. En/decs can be set up for automatic or manual forwarding, but the "North Carolina State EAS Plan" strongly urges that en/decs be placed on automatic relay at all times. Beyond this programming done at installation, it is the LPs which have accepted the additional obligation of originating alerts when called upon. Non-LP stations simply pass-through alerts from their LPs and the NWS. Their only additional obligation is to take 15 seconds a week to originate an RWT; otherwise they are to maintain the equipment in an operating state. It would appear that fewer obligations means not participating.

A long term goal of NCEOC and NC SECC is to equip all radio & TV stations and CATV stations in North Carolina with Comlabs EMnet receive equipment as funding becomes available. As for the current EAS equipment, this is the cost of serving the public and is already in place.

The Commission already requires that all stations install EAS monitor equipment; only LPFMs are exempt from mandatory forwards and RWTs.

8. *If a station transmitting in English is located in a predominantly Spanish-speaking community, should the station transmit EAS alerts in both English and Spanish?*

The alert needs to be language appropriate for the community served, otherwise it is ineffective. That just about has to be done at the station. It is then up to the station to decide whether to use the EAS tones and originate a Spanish language version of the alert, or simply deliver the info after an alert. Comlabs reports that in a matter of a few months they will be able to transmit a Spanish language version of an English language alert that will be translated automatically by an EMnet receiver unit.

9. *Should comprehensive periodic testing of the entire national EAS system be required and, if so, how often? Should a special national level test code be adopted for this purpose, and should a post-test report be required? Should these national tests be in addition to the current testing requirements? Would too much testing become a public nuisance and lead to the public's ignoring EAS alerts?*

NC is moving the origination point of RMTs around to different agencies and stations to permit training and practice. Perhaps once a year an RMT can be coordinated for a national test. In lieu of a top-to-bottom annual national test, perhaps the national delivery system would permit the equivalent of an RWT from the national origination point into all the state's entry point stations. Since the acquisition of EMnet in North Carolina, the NCEOC runs RWTs to the LPs to test the system and provide practice for their operators.

10. *Should all broadcasters be required to upgrade their EAS equipment so that it is capable of receiving and transmitting all current EAS event and location codes, and, if so, by what date (stations that replace their EAS equipment after February 1, 2004, are already required to install such upgraded equipment)? Should the government fund any upgrades?*

As long as EAS participation remains voluntary, it will be difficult to mandate an upgrade. We should encourage and promote it 'in the public interest'. Should participation be made mandatory, then the equipment can be required to be current and uniform. It would seem 18 months, or maybe only 12, should suffice for all to upgrade or plan the upgrade of their system. Most are upgradeable for under $200 in parts, if needed, and engineering service time. Certain event codes should be mandatory nationally (e.g. CAE, CEM, EVI) plus other event codes deemed mandatory by the State SECC according to geographic relevance.

11. *Should EAS obligations be extended to digital media such as DTV, and if so, what is needed to extend EAS obligations to digital broadcasting?*

DTV is the replacement for the analog service of local broadcasters. EAS will/should inherently migrate.

12. *Is EAS, and its exclusive reliance on analog radio and television broadcast stations and cable systems, outdated? Should it be phased out in favor of a new model? If so, what would the new model look like?*

In North Carolina, EAS is a working system and should not be eliminated. Rather, extend delivery into other mediums in parallel to the current system. EAS should expand to take advantage of the cell phone, pagers, and wireless portable devices. EMnet currently offers cell phone alerting through Nextel, and pager and wireless alerting as well. This offering should be

programmable by the end user in his vendor's system, so those individuals equipped with several devices receive alerts on a preferred device.

13. Should EAS be extended to other telecommunications systems, e.g., PCS, DBS and DARS? Can the Internet, satellite-distributed systems, land lines, etc., be used to enhance or replace the current "daisy-chain" EAS.

Satellite distribution and the Internet, while still a fragile system many places, can be very useful in providing alternate delivery paths to stations (*i. e.* EMnet), to cell and pager companies, and PC services users may subscribe to.

The installation of the Comlabs EMnet system has altered the way we distribute alerts in North Carolina. EMnet allow us to immediately access all LP1s and LP2s, which the remaining stations monitor and relay. In case of problems with EMnet, North Carolina would again rely on the daisy-chain system, which we continue to monitor and refine.

The daisy chain combined with our Comlabs EMnet system has made North Carolina emergency communications much more reliable & efficient. The NC SECC recommends this type of delivery system.

The daisy-chain is the underlying network and still performs for North Carolina because we have enhanced it with EMnet & we continue to refine the monitoring and relay points in the system. Other systems can supplement, but should not replace the daisy-chain at this time.

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/s/ Carl Venters
Carl Venters
Chairman,
North Carolina State Emergency
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October 29, 2004